

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CHROMAR SYSTEMS, INC.)
d/b/a CMS TECHNOLOGIES, INC.,)
)
Plaintiff,)
v.)
)
GARRETTCOM INC. and)
EDGEWATER NETWORKS INC.)
)
Defendants.)
)
)
)
_____)

Civil Action No. 3:09-cv-04516-WHA

**ORDER DISMISSING CASE
PURSUANT TO STIPULATION**

STIPULATION OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule Civil Procedure 41(a)(1)(A)(ii), each of the Parties, by and through its counsel of record hereby 1) stipulates to the dismissal of this action, including all claims and counterclaims, without prejudice and 2) agrees to be bound by the following provisions:

- A) If Plaintiff refiles this action against Defendants (or any successor in interest) or refiles this action involving any product sold by Defendants, the refiled action shall be brought in the United States District Court for the Northern District of California.
- B) Defendants acknowledge that they have no current plans to sell or otherwise transfer their respective businesses to any third party.
- C) If Plaintiff refiles this action pursuant to Paragraph A above, it shall not base any claim of willful infringement on Defendants' continuation of activities, which Plaintiff alleges infringes, after this Dismissal.

D) Plaintiff shall not refile this action against Defendants alleging infringement of claims pending in the current Reexamination of United States Patent No. 7,457,250 (Reexamination Control No. 90/009513) until, if ever, the completion of the Reexamination of those claims.

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Date: December 22, 2009

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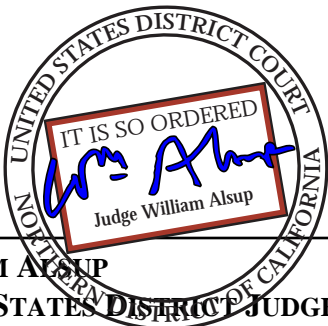
Date: December 22, 2009

Pursuant to stipulation, the above-numbered case is hereby **DISMISSED** without prejudice.

THE CLERK SHALL CLOSE THE FILE.

IT IS SO ORDERED.

Dated: December 22, 2009.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE